

FILED

United States District Court
Eastern District of North Carolina
Western Division

JUN 14 2021
PETER A. AMBROSE, JR., CLERK
US DISTRICT COURT, EDNC
BY _____ DEP CLK

Case No. _____

(To be filled out by Clerk's Office only)

BRIAN LeVAR Watson

(In the space above enter the full name(s) of the plaintiff(s).)

Inmate Number 0916299

COMPLAINT

(*Pro Se* Prisoner)

Jury Demand?

Yes

No

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- 42 U.S.C. § 1983 (state, county, or municipal defendants)
- Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

II. PLAINTIFF INFORMATION

BRIAN L. WATSON

Name

0916299

Prisoner ID #

Pasquotank Correctional

Place of Detention

527 Commerce Drive

Institutional Address

Elizabeth City

City

NC

State

27906 - 5005

Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- Pretrial detainee State Federal
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: Charles Eason
Name
Officer / Detective
Current Job Title
1200 South Pollock Street
Current Work Address
Selma N. C. 27576
City State Zip Code

Capacity in which being sued: Individual Official Both

Defendant 2: Selma Police Department
Name

Officer / Detective
Current Job Title
1200 South Pollock Street
Current Work Address
Selma N.C. 27576
City State Zip Code

Capacity in which being sued: Individual Official Both

Defendant(s) Continued

Defendant 3: _____
Name _____

Current Job Title _____

Current Work Address _____

City _____ State _____ Zip Code _____

Capacity in which being sued: Individual Official Both

Defendant 4: _____
Name _____

Current Job Title _____

Current Work Address _____

City _____ State _____ Zip Code _____

Capacity in which being sued: Individual Official Both

V. STATEMENT OF CLAIM

Place(s) of occurrence: Johnston County, N.C.

Date(s) of occurrence: Arrest date: May 2016 ; Conviction date: Jan. 2017

State which of your federal constitutional or federal statutory rights have been violated: Exoneration date: Sept. 2019

My right to a fair trial. Wrongful Imprisonment

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

Who did what to you?

First of all, A law enforcement officer charged me with Malicious Conduct by prisoner under false pretenses. Secondly, this same officer Knowingly and willingly committed perjury at trial. His perjury was material to my having been convicted. Upon conviction i appealed the verdict. The conviction was later overturned/VACATED because the indictment contained a fatal variance. I ended up having a second trial. At the second trial the officer adhered to his previous testimony from the first trial, therefore, committing perjury a second time.

However, i produced evidence that proved his testimony to be false and i was found not guilty of Malicious Conduct by Prisoner.

At the first trial my sentence for the offense was 30 - 36 months. By the time i had the second trial i had already served 35 months of that sentence. So this is the basis of my civil suit. I Am

What
happened
to you?

seeking monetary compensation for having served
a sentence for an offense i never committed.
I believe ~~that~~ due process was violated.
I believe my right to a fair trial was violated
when the officer committed perjury. At the first
trial, the odds were already against me from the
start being that the plaintiff was a law enforcement
officer. ~~He used his~~ He used this ~~position~~ STATUS to his advantage
to help ~~convince~~ convince the jury ~~to believe his~~ to believe his
testimony was true.

When did it
happen to
you?

Where did it
happen to
you?

What was
your
injury?

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? Yes No

If no, explain why not:

A grievance doesn't apply to my situation. I'm not suing a prison official.

Is the grievance process completed?

Yes No

If no, explain why not:

N/A

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

N/A Monetary compensation relief

VIII. PRISONER'S LITIGATION HISTORY

*The "three strikes rule" bars a prisoner from bringing a civil action or an appeal *in forma pauperis* in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).*

Have you brought any other lawsuits in state or federal court while a prisoner?

Yes No

If yes, how many? _____

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
 - Nature of claim made
 - How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)
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IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.

5-1-2021

Dated



Plaintiff's Signature

Brian LeVar Watson

Printed Name

0916299

Prison Identification #

527 Commerce Dr.

Prison Address

Elizabeth City

City

N.C.

27906 - 5005

State

Zip Code